

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/13/2023

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February 9, 2023

BY ECF

The Honorable Analisa Torres
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Omar Arias Casilla, 21 Cr. 218 (AT)
Joint Letter-Motion for Adjournment of Sentencing
Hearing

Dear Judge Torres:

The Defendant and the Government respectfully request that this Honorable Court adjourn the April 17, 2023 sentencing and related deadlines for a period of ninety days, or for such time as the Court considers appropriate.

On November 16, 2022, this Honorable Court held a Fatico hearing to determine whether evidence seized from a warrantless search of the Defendant's apartment may be considered at sentencing. Dkt. Entry 11/16/22; Def. Request at 12, ECF No. 69. At the hearing, the Defendant sought to introduce into evidence four exhibits, to which the Government objected. Gov. Fatico Mem. at 1, ECF No. 81; Hearing Tr. 110:11112:24. The Court deferred consideration of the issue and directed the parties to file briefs regarding the admissibility of the Exhibits. Dkt. Entry 11/16/22; Hearing Tr. 112:25113:2, 115:720. On January 3, 2023, the Court ruled on the admissibility of the exhibits. ECF No. 92.

On January 25, 2023, the Court directed the parties to file briefs by February 17, 2023, stating their position on whether the evidence seized from the search of the

Defendant's apartment may be considered at sentencing. ECF No. 93. The Court further directed the parties to file oppositions by March 10, 2023 and any replies by March 31, 2023. Id.

Probation will incorporate the Court's Fatico ruling into the PSR but in light of the existing April 17, 2023 sentencing date cannot do so within the 83-day window contemplated by the Board of Judges' Standing Order of May 29, 2014. Additionally, the parties will require time to file objections, if any, to the PSR, once filed, then a further period of time to draft sentencing memoranda. As a result, the parties jointly and respectfully request that this Honorable Court adjourn the sentencing hearing and related deadlines for a period of 90 days or such time as the Court considers appropriate.

Respectfully Submitted,
On behalf of the Government
/s/ Ni Qian
Ni Qian

Respectfully submitted,
On behalf of the Defendant
/s/ Murat Erkan
Murat Erkan

CERTIFICATE OF SERVICE

I, Attorney Murat Erkan, certify that this document was filed through ECF on February 9, 2022.

/s/ Murat Erkan
Murat Erkan, MA BBO 637507

GRANTED. The sentencing scheduled for April 17, 2023, is ADJOURNED to **August 1, 2023, at 1:00 p.m.**

SO ORDERED.

Dated: February 13, 2023
New York, New York



ANALISA TORRES
United States District Judge